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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,010	04/11/2001	Richard A. Smith	20-464	9656

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EXAMINER	
TRAN, PABLO N	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/832,010	SMITH ET AL.	
	Examiner	Art Unit	
	Pablo N. Tran	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *2,3,7-16,18,19,24 and 25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,17,20-23 and 26-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The amendment filed 03/23/09 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "based on historical short message usage of each relevant subscriber queue".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 4-6, 17, 2-23, and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 17, and 23, the added limitation, "based on historical short message usage of each relevant subscriber queue", was not described in the

specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Appropriate correction required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 4-5, 17, 20-21, 23, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. (hereinafter "LaPorta", US Pat. No. 5,959,543) in view of Frohman et al. (hereinafter "Frohman", Us Pat. No. 5,418,835) and further in view of Holmes et al. (hereinafter "Holmes", US Pat. No. 6,134,432).

As per claims 1, 17, and 23, LaPorta disclosed a message distribution center (see fig. 5/no. 114, 116, 118), wherein the message distribution center utilized such messaging protocols communication channel to receive the short message, a plurality of subscriber queues (see fig. 5/no. 100, fig. 10) accessed before delivery to a wireless carrier's subscriber message delivery network and each corresponding to a different subscriber (see col. 13/ln. 5-10) in said wireless network, the short message being placed in at least one of the plurality of subscriber queues before delivery to the wireless carrier's subscriber message delivery network, and a communication channel

to communicate said short message to said wireless carrier's network (see col. 12/ln. 5-46, where it is clear that the message is retrieved prior to delivery).

LaPorta does not specifically disclose an assignment module to individually assign a maximum number of messages for each queue. Frohman disclosed such method (see col. 2/ln. 18-25, where it is clear that each queue capacity is control base upon the individual user paying for the level of services). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention for LaPorta to utilize such teaching of Frohman in order to reduce messages transmission delaying period.

LaPorta in view of Frohman disclose utilization of such messaging communication protocols but not explicitly SMTP or SMPP protocol. However, Holmes teaches such messaging communication system utilized SMTP and SMPP protocols (see col. 2/ln. 65-col. 3/ln. 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention the modified communication system of LaPorta and Frohman to utilized the SMTP and/or SMPP protocols, as taught by Holmes, in order to permits a user to be notified of an event by having an alert engine module receive a message alert for an event in a generic communications format, such as over SMTP, and transforming the alert into a communications format that is preferred by a user at a target address such as based on alert content.

As per claims 4, 20, and 26, the modified communication system of LaPorta, Frohman, and Holmes further disclosed FIFO message queues (see Frohman, col. 2/ln. 68).

As per claims 5, 21, and 27, the modified communication system of LaPorta, Frohman, and Holmes further disclosed a predetermined maximum number of short messages in each queues (see Frohman, col. 2/ln. 18-25).

6. Claims 6, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified communication system of LaPorta, Frohman, and Holmes, and further in view of Sladek et al. (hereinafter "Sladek", US Pat. No. 6,718,178).

As per claims 6, 22, and 28, the modified communication system of LaPorta, Frohman, and Holmes does not specific suggest such utilization of a Wireless Intelligent Network (WIN). However, Sladek taught such utilization (col. 4/ln. 20-28). Therefore, it would have been obvious to one of ordinary skill in the art to provide such intelligent network, as taught by Sladek et al., to the modified communication system of LaPorta, Frohman, and Holmes, in order to assist one or more serving systems in handling calls and employs a unique message set and provides additional capabilities in order to facilitate mobility management and other functions that are uniquely associated with providing service for mobile subscribers.

Response to Arguments

7. Applicant's arguments filed 03/23/09 have been fully considered but they are not persuasive.

The added limitations to claims 1, 17, and 23 raise new matters that were not disclose in the specification, as originally filed (see statement above).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for Published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see httpr//pair-directauspto.gov. Should You have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

June 30, 2009

/Pablo N Tran/

Primary Examiner, Art Unit 2618